

## **Farmington City**

### **Request for Proposals to Provide Public Defender Services**

Farmington City is accepting proposals to provide public defender services on a contractual basis.

Proposal packets may be obtained from Farmington City Recorder, 160 S. Main Street, Farmington, Utah, or downloading proposal packets from [www.Farmington.utah.gov](http://www.Farmington.utah.gov).

Responses to this Request for Proposals shall be submitted to the Farmington City Recorder, 160 S. Main Street, Farmington, Utah, **no later than 5:00 p.m. (MDT), on July 23rd 2021**. LATE PROPOSALS WILL NOT BE ACCEPTED.

The City reserves the right to accept or reject any or all proposals as it best serves its convenience and/or is found to be in the best interest of the City.

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### **Request for Proposals to Provide Public Defender Services**

#### **I. Introduction**

Farmington City is accepting proposals to provide public defender services on a contractual basis. Contract services are estimated to commence on or after August 1, 2021.

#### **II. Time Schedule**

Farmington City will follow the timetable below, which should result in a selection of a contractor on or before August 1, 2021. Proposals will be accepted by hand, mail or e-mail before 5:00 pm (MDT) on Friday July 23, 2021.

Event	Time	Date
Issue of RFP		July 9, 2021
Proposal Responses Due	5:00 p.m.	July 23, 2021
Anticipated Effective Date of Contract		August 1, 2021

#### **III. Minimum Experience/Qualifications**

Each attorney who proposes to perform services pursuant to this RFP must meet the following minimum qualifications:

1. Be a member in good standing with the Utah State Bar Association;
2. Have experience in defending criminal law matters;
3. Be familiar with the statutes, court rules, constitutional provisions, and case law relevant to criminal law;
4. Be familiar with possible criminal enhancements, charges, and subsequent proceedings.

#### **IV. Scope of Services**

Selected service provider shall be the designated Public Defender for Farmington City, duly appointed to represent all defendants who are appointed legal Counsel by the Second District Court, Drug Court, and Justice Court.

The City's Public Defender's responsibilities shall include, but not be limited to, the following:

1. Attend all scheduled court appearances. In the event of vacation, illness, or any other time off, Public Defender is responsible for arranging coverage by another qualified attorney. Coverage expenses shall be the sole responsibility of Public Defender.
2. Act as counsel available to all defendants at all scheduled hearings on scheduled court days, Monday through Friday, 8:00 am to 5:00 pm, and after hours as may be required by the Court due to trials, motions and hearings, etc. that may extend beyond regularly scheduled Court hours. Court is not scheduled on State and Federal holidays.
3. Represent defendants in appointed cases at pre-trial hearings, trials, sentencing, and as otherwise may be determined necessary by the Court and to the standards required by the Rules of Professional Responsibility for Lawyers.

4. Complete a minimum of five (5) hours of continuing legal education within each calendar year in courses relating to their public defense practice. Legal education expenses shall be the sole responsibility of Public Defender.
5. Supervise attorneys working under and with the Public Defender to represent defendants appointed counsel through the Second District Court to ensure the defendants receive competent legal representation and meet the qualifications under the contract.
6. Consult with defendants in preparation for trial. Appointment as Farmington City's Public Defender may require meetings with defendants at the Public Defender's office, the Court or Jail.
7. Provide Farmington City with a contact telephone number that is available 24 hours a day to make contact with the Public Defender in order for the Public Defender to provide legal representation in emergency situations.
8. Prepare for trial to ensure that the defendant receives adequate representation. Preparation for trial shall include, but not be limited to: interviewing witnesses, reviewing police reports and evidence, researching relevant legal issues, preparing a witness list on behalf of the defendant, and consulting with the defendant.
9. Notify Farmington City in writing of any ongoing conflict of interest, conflicting litigation or inability to practice law.
10. Maintain a policy of professional liability insurance with minimum limits of \$100,000 per person and an aggregate of \$300,000 per occurrence. All insurance shall be obtained from an insurance company authorized to do business in the State of Utah. Proof of insurance shall be provided to Farmington City at its request. Excepting the professional liability insurance, Farmington City shall be named on all insurance as an additional insured.
11. Provide any information not protected by attorney/client privilege that may be requested by Farmington City that will assist Farmington City in reviewing the workload and quality of representation provided by the Public Defender. Such requests may include but are not limited to number of cases appointed within a specific time frame and hours worked on a case or cases.

Services do not extend to forfeiture hearings or hearings with any Department of Licensing.

## **V. Fee Proposal**

Please include with your proposal the following:

1. **Total Fee and Fee Structure.** It is anticipated that the Public Defender will be in District Court approximately six to eight (6 - 8) hours per month. The Public Defender will also prepare for cases out of court accordingly. The Public Defender should include costs for all services, including in-court time, preparation time, and anticipated expenses for providing the Public Defender services. Please show how your total fee was calculated. It is anticipated that Farmington City will compensate the selected Public Defender only a monthly basis over a twelve (12) month period. In the event a court orders repayment from a defendant for attorney fees and costs, all such payments shall be paid to the District Court belong to Farmington City
2. **Investigation/Witness Costs.** In addition to the total fee, based upon your experience, please provide an estimated amount to cover the reasonable and necessary costs of investigators, laboratory costs, transcripts and defense witness fees called on behalf of indigent clients.

## **VI. Proposal Deadline and Submittal Instructions**

*All proposals and/or questions should be directed to: By Hand or By Mail:*

Farmington City Recorder  
160 S Main Street  
Farmington, Utah 84025  
(801) 939-9209

*By e-mail:*

Farmington City Recorder: Hbouck@Farmingtonutah.gov  
Subject line: "Public Defender Services Proposal"

All hand delivered or mailed proposals must be in a sealed envelope and clearly marked in the lower left-hand corner: "Public Defender Services Proposal."

All e-mail submitted proposals must include the subject line: "Public Defender Services Proposal." E-mail submissions, like mailed submissions, will not be opened until after the deadline of July 23, 2021 at 5:00 pm (MDT). Anyone seeking confirmation of receipt of an e-mail proposal by Farmington City must send an immediate follow-up e-mail from the same e-mail address used to send the proposal and must include the subject line "Confirmation of Receipt of Public Defender Services Proposal".

All proposals must be received by July 23, 2021, at 5:00 pm (MDT). Proposals that are postmarked before but are not received by July 23, 2021 at 5:00 pm (MDT) will not be considered. E-mailed submissions received after July 23, 2021 at 5:00 pm (MDT) will not be considered.

If hand delivered or mailed, three (3) copies of the proposal must be included. If e- mailed, please submit the proposal as one PDF attachment. No faxed or telephone proposals will be accepted.

The information requested below is a requirement for submitting a complete proposal. The City reserves the right to ask for additional or clarifying information.

1. Description of firm/ attorney overall practice area(s) and the services the firm/attorney is capable of providing, including an explanation of how these services will best meet the City's needs. Please also include a description of related criminal law experience with agencies similar in size to Farmington City.
2. Identification of the attorney(s) proposed to act as the designated Public Defender. Include a clear and detailed description of how each proposed attorney meets the minimum experience/qualification identified in this RFP.
3. A list of at least three (3) references capable of speaking to the reputation and qualification of the law firm/individual attorney.
4. Proposals shall clearly set forth fees and fee structure to be charged for all public defender services as described in the scope of work. Any and all costs to be charged to the City must also be identified.
5. Disclosure of any litigation or judgments rendered against the law firm/individual attorney in any matter relating to professional activities of the firm/individual attorney, including any pending or sustained complaints to the Utah State Bar Association.
6. Description of how the law firm/individual attorney handles conflict checks; description of how the law firm/individual attorney proposes to handle conflicts that may arise in performance of this Agreement. Include whether the law firm/individual attorney arranges and provides his/her own conflict attorneys.

7. Identify whether you and/or your law firm is willing to handle cases for Farmington City on a conflict-basis if the City elects to contract with another law firm/individual attorney as the primary public defender.
8. Responses to RFP must include a signed statement as follows signed by an authorized officer of the firm/individual attorney:

*I/We have reviewed all documents presented as part of Farmington City's RFP for Public Defender Services. The undersigned proposes to perform all work in compliance with these documents as well as in compliance with all submitted proposal information. The undersigned further warrants that adequate staff services and facilities will be established to enable the effective provision of legal services.*

9. *The Attorney shall secure and maintain a policy of professional liability insurance with at a minimum, limits of \$100,000 per person and an aggregate of \$300,000 per occurrence. All insurance shall be obtained from an insurance company authorized to do business in the State of Utah. Excepting the professional liability insurance, Farmington City shall be named on all insurance as an additional insured.*

## **VII. Appearances**

It is anticipated the Public Defender will spend approximately six to eight (6 – 8) per month in Court. These 6 – 8 hours include, and the Public Defender will need to be available for, the following:

1. Farmington City law and motion calendar at the Farmington Courthouse for the Second District on Mondays between 8 am and 12 pm and as may be changed from time to time by the Court.
2. Other trials and hearings may be scheduled by the Court Monday – Friday on an as needed basis. Although these trials and hearings may be set any day, they are typically set on Wednesday or Friday once or twice a month. These trials and hearings include all criminal defendant trials and hearings and may or may not include cases assigned to the Public Defender. The Public Defender need only appear on the days in which criminal defendants who have been appointed a Public Defender are scheduled.

## **VIII. Selection Criteria**

Selection criteria will be based on the ability of selected service provider to perform the duties as described above. Cost, qualifications, and experience will also be taken into consideration.

## **IX. General Terms and Conditions**

The City reserves the right to reject any and all proposals, and to waive minor irregularities in any proposal.

The City reserves the right to request clarification of information submitted, and to request additional information from any proposer.

Farmington City reserves the right to negotiate and hold discussions with prospective service providers as necessary; however, Farmington City may award this contract without discussion of proposals received from prospective service providers.

The City reserves the right to issue contracts to multiple service providers.

Public records: Pursuant to the Utah Government Records Access and Management Act (GRAMA), records will be considered public after the contract is awarded. If an offeror wishes to protect any records, they are required to provide a written request for business confidentiality at the time the proposal is submitted, to the Farmington City Recorder.

## **X. Contract**

This Request for Proposals is an invitation to provide a bid for professional legal public defense services and is not a promise, agreement or contract for services. The selected service provider must enter into a written agreement with Farmington City to provide all services required herein. All costs incurred preparing any submitted proposal are the sole responsibility of the individual or firm making the proposal.

**Non-Collusion Affidavit Certificate:**

State of Utah            )  
                                 :  
County of Davis        )

The undersigned, being duly sworn, deposes and says that the person, firm, association, co-partnership, or corporation herein named has not either directly or indirectly entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in the preparation and submission of a proposal to Farmington City for consideration in the award of a contract described as follows:

Farmington City  
Public Defender Services

\_\_\_\_\_  
Firm/Attorney Name

\_\_\_\_\_  
Authorized Signature

Sworn before me, this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Notary Public  
In and for the State of Utah